

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1 and 2 have been amended herein to limit the materials of the first surface and the second surface. The material of the first surface (the first separator member) facing to an anode electrode contains no nickel and the material of the second surface (the second separator member) facing to a cathode electrode contains no chrome. The limitations are based on the description disclosed in paragraph 14, line 21 and paragraph 15, lines 5-6 of the specification.

In addition, Claim 2, the product-by-process claim has been amended as indicated by the rejection. This amendment further cancels the term "bonding" and defines that the separator is composed of the first separator member and the second separator member. This amendment is based on the description disclosed in paragraph 14, lines 8-14 and FIG.3 of the specification.

The rejection indicates that stainless steel is an alloy containing multiple components such as steel, chromium, nickel and molybdenum. In other words, stainless steel is an alloy composed of chromium as well as nickel. Therefore, if JP'062 and the base plates of the EP'380 are made of stainless steel, the rejection contends that the characteristic of reducing

elution of metal ions is inherent due to the chromium, and the characteristic making it difficult to form a thick oxide coating layer is also inherent due to the nickel.

However, if stainless steel is used simply as the materials of the first surface facing to an anode electrode and the second surface facing to a cathode electrode, as shown in Fig.2 in the attached sheet 1, nickel in an anode side is likely to ionize due to active corrosion. As a result, nickel in an anode side would be eluted. Therefore, electrolyte membrane may deteriorate due to the eluted ions.

Meanwhile, as shown in Fig.2 in the attached sheet 1, an oxide film of chromium in a cathode side is likely to grow due to excessive passivation. In addition, the oxide film of chromium has high electrical resistance. Therefore, the performance of a fuel cell will deteriorate as a result of resistance inside the fuel cell.

However, as shown in attached sheet 3, if the material of the first surface (the first separator member) contains 0.2mass%(max) nickel, there is no deterioration in the performance of the fuel cell.

Therefore, this amendment limits the material of the first surface (the first separator member) and the second surface (the second separator member) as described above. This distinguishes over the prior art, and renders the claims patentable.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply the \$120 one month extension of time fee, and any credits or additional charges, to deposit account 06-1050.

Respectfully submitted,

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